

ESTTA Tracking number: **ESTTA767719**

Filing date: **08/30/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	A.L.S. Enterprises, Inc.
Granted to Date of previous extension	08/31/2016
Address	1731 Wierengo Drive Muskegon, MI 49442 UNITED STATES

Attorney information	Richard J. McKenna Foley & Lardner LLP 777 E. Wisconsin Ave. Milwaukee, WI 53202 UNITED STATES ipdocketing@foley.com, ssuleiman@foley.com, rmckenna@foley.com, llucas@foley.com, jolsen@foley.com Phone: 414-271-2400
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Applicant Information

Application No	86753318	Publication date	05/03/2016
Opposition Filing Date	08/30/2016	Opposition Period Ends	08/31/2016
Applicant	Catwalk Productions, LLC c/o Loeb & Loeb LLP Chicago, IL 60654 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, pants, shirts, t-shirts, tank tops, sweatpants, shorts, sweatshirts, hoodies, loungewear, socks, headwear and footwear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86593698	Application Date	04/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	S SCENTLOK TECHNOLOGIES		

Design Mark	
Description of Mark	<p>The mark consists of a stylized letter "S" formed by two interlocking C-shaped elements positioned immediately above the word SCENTLOK which is in turn positioned immediately above TECHNOLOGIES.</p>
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 Soaps and laundry detergent; shampoos</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Odor neutralizing preparations for use on textiles and outdoor recreational gear; air deodorizing preparations</p> <p>Class 007. First use: First Use: 0 First Use In Commerce: 0 Clothes washing machines; clothes washing machine featuring an ozone generator for aiding in the cleaning process</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Digital media, namely, prerecorded digital video disks featuring wild game hunting, outdoor recreation and sportsman topics</p> <p>Class 011. First use: First Use: 0 First Use In Commerce: 0 Ozone sanitizers for air and water; combination ozone sanitizer and electric deodorizing units; air filters for domestic use; air purifiers</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 All-purpose sport bags; all-purpose athletic bags; athletic bags; gym bags; hunting bags; sportsman's hunting bags</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0 Beds for household pets; dog beds</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0 Plastic storage containers for domestic use for storing outdoor recreational gear</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, pants, athletic pants, camouflage pants, sports pants, jumpsuits, bib-overalls, shirts, athletic shirts, sport shirts, camouflage shirts, hunting shirts, sweat shirts, T-shirts, underwear, thermal underwear, socks, thermal socks, insoles for shoes and boots, boot covers, cloth face masks, hats, gloves, jackets, camouflage jackets, hunting jackets, sports jackets, coats, vests, parkas, hoods, shorts, athletic shorts, and boxer shorts; odor neutralizing insoles for</p>

	use with shoes and boots
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Attachments	86593698#TMSN.png(bytes) Scentlok - Notice of Opposition.pdf(447308 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/R.J. McKenna/
Name	Richard J. McKenna
Date	08/30/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of)
App. Serial No. 86753318)
Published May 3, 2016)
)
A.L.S. ENTERPRISES, INC.)
Opposer,)
)
v.)
)
CATWALK PRODUCTIONS, LLC)
Applicant.)
_____)

Opposition No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, A.L.S. Enterprises, Inc., (“Opposer”), a corporation organized under the laws of the state of Michigan, having its principal place of business at 1731 Wierengo Drive, Muskegon, Michigan 49442, believes that it is and will be damaged by, and hereby opposes registration of the below Stylized “S” mark (“Applicant’s Mark”) that is the subject of Serial No. 86753318 (the “Application”) filed by Catwalk Productions, LLC (“Applicant”):



The Application was filed on September 10, 2015, and published in the *Official Gazette* on May 3, 2016. Opposer timely filed a Request for an Extension of Time to Oppose the Application on June 1, 2016. The request was granted, extending the time to oppose the

Application to August 31, 2016. This Notice of Opposition is therefore timely with respect to the Application.

As grounds in support of its opposition, Opposer asserts as follows:

1. Founded in 1992, Opposer is a worldwide leader in designing and selling high quality apparel and accessories, including performance hunting/outdoor apparel, casual apparel, footwear, gear storage bags and hunting/outdoor accessories.

2. Opposer promotes and sells its products under the “S” SCENTLOK TECHNOLOGIES Logo shown below, and on April 10, 2015, Opposer filed a trademark application for the below mark (“Opposer’s Mark”) under Serial No. 86593698 (“Opposer’s Application”) in connection with the following goods (“Opposer’s Goods”):



Cl. 3 - “Soaps and laundry detergent; shampoos”

Cl. 5 - “Odor neutralizing preparations for use on textiles and outdoor recreational gear; air deodorizing preparations”

Cl. 7 - “Clothes washing machines; clothes washing machine featuring an ozone generator for aiding in the cleaning process”

Cl. 9 - “Digital media, namely, prerecorded digital video disks featuring wild game hunting, outdoor recreation and sportsman topics”

Cl. 11 - “Ozone sanitizers for air and water; combination ozone sanitizer and electric deodorizing units; air filters for domestic use; air purifiers”

Cl. 18 - “All-purpose sport bags; all-purpose athletic bags; athletic bags; gym bags; hunting bags; sportsman's hunting bags”

Cl. 20 - “Beds for household pets; dog beds”

Cl. 21 - “Plastic storage containers for domestic use for storing outdoor recreational gear”

Cl. 25 - “Clothing, namely, pants, athletic pants, camouflage pants, sports pants, jumpsuits, bib-overalls, shirts, athletic shirts, sport shirts, camouflage shirts, hunting shirts, sweat shirts, T-shirts, underwear, thermal underwear, socks, thermal socks, insoles for shoes and boots, boot covers, cloth face masks, hats, gloves, jackets, camouflage jackets, hunting jackets, sports jackets, coats, vests, parkas, hoods, shorts, athletic shorts, and boxer shorts; odor neutralizing insoles for use with shoes and boots”.

3. Opposer’s Application was published in the *Official Gazette* on January 19, 2016, and no oppositions were filed against Opposer’s Application. A Notice of Allowance was issued on March 15, 2016.

4. Notwithstanding Opposer’s prior rights, on September 10, 2015, exactly five months after the filing date of Opposer’s Application, Applicant applied for the registration of the nearly identical mark (seen below) in connection with the following goods (“Applicant’s Goods”):



Class 25 - “Clothing, namely, pants, shirts, t-shirts, tank tops, sweatpants, shorts, sweatshirts, hoodies, loungewear, socks, headwear and footwear”

Class 41 - “Entertainment services in the nature of a reality television series featuring educational information in the field of physical fitness, exercise, exercise work-outs, and physical conditioning”.

5. The Application was filed on the basis of Applicant’s intended use of the mark.

6. Applicant’s Mark as applied to Applicant’s Goods, so closely resembles Opposer’s Mark as used with Opposer’s Goods, that use by Applicant in conjunction with Applicant’s Goods will cause confusion, mistake, or deception in the trade, and relevant consumers are likely to believe that Applicant’s Goods are associated with, connected with, or are approved, sponsored or authorized by Opposer, or that Applicant’s Goods otherwise originate from the same source, when such is not the case.

7. Applicant's Mark is nearly identical to Opposer's Mark, both marks containing similar Stylized "S" designs.

8. Applicant's Goods, "Clothing, namely, pants, shirts, t-shirts, tank tops, sweatpants, shorts, sweatshirts, hoodies, loungewear, socks, headwear and footwear" are identical and closely related to Opposer's Goods in Class 25, namely, "Clothing, namely, pants, athletic pants, camouflage pants, sports pants, jumpsuits, bib-overalls, shirts, athletic shirts, sport shirts, camouflage shirts, hunting shirts, sweat shirts, T-shirts, underwear, thermal underwear, socks, thermal socks, insoles for shoes and boots, boot covers, cloth face masks, hats, gloves, jackets, camouflage jackets, hunting jackets, sports jackets, coats, vests, parkas, hoods, shorts, athletic shorts, and boxer shorts; odor neutralizing insoles for use with shoes and boots".

9. Upon information and belief, Opposer has priority, as the filing date of the Opposer is before the filing date of Applicant.

10. Opposer did not authorize Applicant's adoption, use or registration of Applicant's Mark.

WHEREFORE, Opposer will be damaged by registration of the Class 25 goods of Application, Opposer prays that the Class 25 goods of Application Serial No. 86753318 be denied; that the Class 25 goods of the Application be refused registration; and that this Opposition be sustained in Opposer's favor.

Opposer submits herewith the opposition fee in the amount of \$300 per class (\$300) to oppose the Class 25 goods of the Application. Opposer is not opposing the Class 41 services of the Application. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Opposition, or credit any overpayment to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment

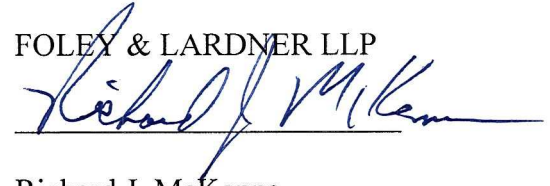
instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Dated: Aug. 30, 2016

Respectfully submitted,

FOLEY & LARDNER LLP

By:

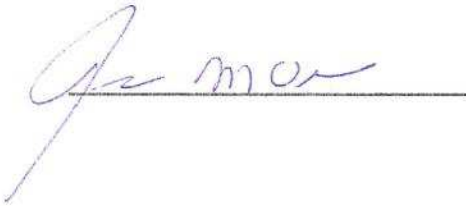
A handwritten signature in blue ink, appearing to read "Richard J. McKenna", is written over a horizontal line.

Richard J. McKenna
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Counsel for Opposer

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on this 30th day of August, 2016, upon Applicant's Attorney at the following address:

Mr. Douglas N. Masters
Loeb & Loeb LLP
321 N. Clark St., Suite 2300
Chicago, Illinois 60654

A handwritten signature in blue ink, appearing to read "D. Masters", is written over a horizontal line.